

**Clean Water Council
Meeting Highlights
February 19, 2002**

Location

N.J. Environmental Infrastructure Trust, 3131 Princeton Pike, Lawrenceville, NJ

Attendees

See attached attendance list.

Highlights Summary

Low Attendance at CWC meetings

- Fletcher Platt suggested that the lack of direction from DEP may be causing lack of response to CWC attendance.
- Pam Goodwin suggested that along with the mailing of the minutes, an e-mail reminder should go to all the members.
- Another suggestion in order to present a more inviting Agenda, was to consider having interesting, informative speakers from the Environmental community at the meetings.

SWQ Standards

- Two or three chapters of the entire document of SWQ Standards are being challenged by many different groups around the State.
- We are not sure if the new Commissioner is aware of the process that is going on in the Region.
- There are alarming problems with nutrient concentrations.
- The State is finding that the Standards are unrealistic and unjustified.

Action Items

- CWC would like to meet with Commissioner Campbell and brief him on the hot issues.
- Pam Goodwin suggested that all three chairs; CWC, Clean Air Council and Water Supply Council should **all** meet with the new Commissioner rather than just CWC alone.
- Kerry Kirk Pflugh or Mary Sheil may be able to coordinate this meeting through the Commissioner's office.

Stormwater Comments:

- Stormwater regulations are moving forward without guidance, which may prove to be dangerous.
- At the League Conference, Barry Chalofsky laid out they were breaking the State down into two categories; those who get permits, and those who do phase two.
- New Stormwater regulations are due out next month. Pat Matarazzo does not see implementation of the regulations as happening.
- L. Mason Neely commented that statistics on Stormwater runoff have been the best (cleaner) the last five winters.
- F. Platt felt that getting a document to the Commissioner was a good idea. We should summarize issues on Stormwater and present it. Perhaps we can influence his thought process on what we do, how we serve them, and how we work with them, if we give him some insight early in the game.

- Helen Heinrich commented on existing development and suggested the new Commissioner be informed of the lack of education to existing development, whereas most of the blame is delegated to new development.
- Great Swamp Watershed gave a good presentation at the Public Hearing on dealing with existing development. Good example was their use of environmental landscaping.

Action Item

- L. Mason Neely recommended that a new structure for Utilities should be set up to deal with Stormwater regulation.
- Ray Zabihach commended Mr. Neely on that recommendation.

Comments:

- Ray Zabihach informed us that the first NJPDE's permits will be issued in March 2003. Every municipality, county and major institution in the State of New Jersey will have to get a NJPDE's permit (every five years). The requirement is two tiered: they will be required to have an adopted Stormwater Management Plan and an adopted SWM Rule. Within the next year DEP should have the details of what is in the Plan and what is in the Rules and will hopefully be adopted. The purpose of this whole process is to establish accountability. The second permit (after five years) will be to start the clean up process. The only way to generate monies to clean up the water is to assess everyone without raising taxes. It will be a user fee with everyone participating.
- Mr. Zabihach has been asked by DEP to do a Stormwater Utility Study to assess what they do in other states and to review the regulatory mechanism that exists in the State of New Jersey. Other states, Washington, Florida, Oregon and California, have been successful with their Stormwater Management Plans.

TMDL Update

- David Baker reported on TMDL process. The realization is that all water will not be fishable or swimmable through the TMDL process. Emphasis is to minimize modeling. Right now it is not a workable model because there are too many elements. Phase two process is a better way to go, not TMDL, which is too vague. We should make TMDL a complimentary process that can help us, not a key process that will stop us.

Drought Update

- Pat Matarazzo said a drought emergency may be announced as early as this weekend. He suggested that we have to start looking at the Water Supply issues and pay attention to how they will deal with the drought. There is concern with nitrates in the treated wastewater. They are asking Wastewater Treatment Plants to modify their process and to remove nitrates to keep level of ammonia down. Ammonia consumes oxygen in the environment. However, this process is unstable. The other thing to look at is other water sources and how much more groundwater can be withdrawn to increase water supply. Also, we should look at water basin transfers from different reservoirs. CWC Public Hearing comments should address these issues. We need to rethink old decisions of where the water is going. The basin transfer process, with the amount of water and amount of population that we have, needs to be reevaluated.

May Conference Update

- *Conference will be held at the new Marriott Inn in Trenton, May 14, 2002*
- *Events will be as follows:*
 - *National well-known person will speak in the morning.*
 - *10 am – 12pm there will be break out sessions, in which different topics(hi-lite interesting projects through out the state, TMDL's, restoration, etc.) **This may be a good time for CWC to give their presentation.***
 - *There will be a luncheon with a speaker*
 - *Following Lunch: Watershed Awards, Rainstick Contest Award for children, Watershed Tours.*
 - *The new Commissioner has been invited.*

Public Hearing Update

- The Committee will meet to review the comments from the Dec. 12th Public Hearing. The Committee will include Ray Zabihach, Pat Matarazzo, Todd Kratzer, Barry Sullivan and Tony McCracken.
- Pat Matarazzo stated that the Committee should put their comment report together, make a major statement of policy change recommendations, address the formation of a Stormwater Utility, present a suite of solutions and coordinate this with the Department's presentation on Watershed at the May Conference, in an open forum.
- Helen Heinrich suggested speeding up the summary of the comments from the Public Hearing. There were 20 testifiers with suggestions.

DEP Update

- New Commissioner is Bradley Campbell
- Deputy Commissioner of DEP is Karen Kominsky

General Comments

- Helen Heinrich stated that there will be a lot more discussion between Agriculture and DEP than there has been in the past.
- Ray Zabihach has been reinstated as a CWC member, representing the Association of Counties.
- L. Mason Neely stated that Lance Miller saw CWC as a way of moving forward with the regulatory process, using us (CWC) as a buffer. Since that time we have been put on hold and at this point have no valid function. Particularly with the Stormwater regulations, we will need a strong person to help us move forward and to align ourselves with.
- Tony McCracken commented on the State Plan Process. The ¼ million grant they were to receive was cut because of the budget deficit.

Announcement

- David Baker announced that the NJWEA Conference will be held in Atlantic City the first week of May. He will send brochures to CWC members.
- ***Luncheon was not served at the CWC meeting due to State budge cuts.***

